

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Anthony Moore,

Civil No. 12-1146 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

LeAnn K. Bertsch,

Defendant.

This matter is before the Court upon Plaintiff Anthony Moore's ("Plaintiff") objections to Magistrate Judge Leo I. Brisbois's May 21, 2012 Report and Recommendation insofar as it recommends that: (1) Plaintiff's application for leave to proceed *in forma pauperis* be denied; (2) this action be summarily dismissed without prejudice; and (3) the Clerk of Court be directed to identify Plaintiff as a "Restricted Filer," and refuse to file any new pleadings submitted by Plaintiff unless he is represented by counsel, or his pleading has been pre-approved for filing by a Judge of the District Court.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections. The Court has also carefully reviewed Plaintiff's objection and finds that they lack merit.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Anthony Moore's objections (Doc. No. [4]) to Magistrate Judge Leo I. Brisbois's Report and Recommendation are **OVERRULED**.
2. Magistrate Judge Leo I. Brisbois's May 21, 2012 Report and Recommendation (Doc. No. [3]) is **ADOPTED**.
3. Plaintiff's application for leave to proceed *in forma pauperis* (Doc. No. [2]) is **DENIED**.
4. This action is summarily **DISMISSED WITHOUT PREJUDICE**.
5. The Clerk of Court should be directed to identify Plaintiff as a "Restricted Filer," and refuse to file any new pleadings submitted by Plaintiff unless he is represented by counsel, or his pleading has been pre-approved for filing by a Judge of the District Court.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 25, 2012

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge